

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSEMARY KOCH,

Plaintiff,

Case No. 12-CV-14760

vs.

HON. GEORGE CARAM STEEH

HOME NETWORK MORTGAGE, LLC,

Defendants.

_____/

ORDER OF DISMISSAL

Plaintiff Rosemary Koch filed this action against defendants Home Network Mortgage, LLC, U.S. Bank N.A., Trott & Trott, P.C., Capovista, LLC, and Does 1 through 100. Only defendants Capovista and Trott & Trott appeared in the case. By order dated January 31, 2013 the court granted defendant Capovista's motion to dismiss and granted defendant Trott & Trott's motion to dismiss. That same order included an order for plaintiff to show cause, if any, in writing by March 1, 2013, why the remaining defendants, who appear to be unserved, should not be dismissed from this case. The summons issued for these defendants expired on February 27, 2013, and plaintiff's response to the court's show cause order merely states that Home Network Mortgage and U.S. Bank ignored plaintiff's complaint. However, there is no evidence that Home Network Mortgage or U.S. Bank were properly served in this matter. Plaintiff bears the burden of demonstrating due diligence in perfecting service of process and showing that proper service was made. See *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996). Plaintiff's response to the show cause order does

not address the issue of service of process upon these two defendants, nor on the John Doe defendants. Now, therefore,

IT IS HEREBY ORDERED THAT plaintiff's complaint is DISMISSED in its entirety.
SO ORDERED.

Dated: March 6, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 6, 2013, by electronic and/or ordinary mail and also on Rosemary Koch, 1950 Baker Road, Dexter, MI 48130.

s/Barbara Radke
Deputy Clerk